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11/20/01**Express Mail No.: EL 501 640 370 US****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Benfey et al.

Application No.: 09/578,827

Group Art Unit: 1638

Filed: May 24, 2000

Examiner: Collins, C.

For: **SHORT-ROOT GENE, PROMOTER,  
AND USES THEREOF**

Attorney Docket No.: 5914-078

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.56 AND § 1.97**Assistant Commissioner for Patents  
Washington, D.C. 20231

SIR:

In accordance with the continuing duty of disclosure imposed by 37 C.F.R. § 1.56 and § 1.97 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to references AA-EP listed on the attached revised form PTO 1449 entitled "List of References Cited by Applicant." A copy of each of references AA-EP is submitted herewith.

Identification of the listed references is not to be construed an admission of Applicant or Attorneys for Applicants that such references are available as "prior art" against the subject application. Consequently, Applicants respectfully decline to use form PTO-1449, since this form identifies all of the references cited therein as "Prior Art." As an alternative, Applicants submit herewith a "revised form PTO 1449" entitled "List of References Cited" instead of "List of Prior Art Cited."

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.


Since this Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits, Applicants believe that no fee is due in connection with

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its filing. However, should the Patent Office determine otherwise, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Date: June 22, 2001

  
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